



**PAGE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING/WORK SESSION-MINUTESG  
RECESSED MEETING FROM 09-11-01  
GENERAL DISTRICT COURTROOM  
SEPTEMBER 25, 2001  
2:30 P.M.**

**MEMBERS PRESENT:**

Allen Cubbage, Chairman, District 3  
Nora Belle Comer, Vice Chairman, District 1  
Elaine Mayberry, Supervisor, District 2  
Gerald Cubbage, Supervisor, District 4  
Robert Good, Supervisor, District 5

**ALSO PRESENT:**

C. Dean BeLer, County Administrator  
Rodger Smith, County Attorney  
Dr. Chappell, School Superintendent  
Steve Kerr, Shenandoah Valley Planning Commission  
Randy Kiser, VDOT  
Kenneth Fox, Building Official  
Geraldine Cubbage, Accountant  
Donna Hoke, Clerk

**CALL TO ORDER:**

At 2:30 p.m. Chairman Allen Cubbage called the meeting of September 25, 2001 to order, noting that the meeting would start with the work session, and then continue on to the recessed regular meeting.

**Virginia Department of Transportation:**

Mr. Randy Kiser addressed the Board and briefed them on the secondary system construction program, answering any questions directed to him. The date for Public Hearing on the six year plan was set for November 14, 2001 at 7:15 p.m. at the Board of Supervisors regular meeting. The meeting will be held in the General District Courtroom.

The Board stressed that they would like to make a drive through the County to view the rural additions. The drive was scheduled for Tuesday October 23, 2001, at 9:00 a.m.

**Dominion Resources Contract:**

Mr. BeLer informed the Board that years ago contracts had to be signed individually with the Va. Resources. Now in the past five or ten years the Va. Municipal League, their legal counsel, Va. Associations of Counties, and the Counties legal counsel from VACO, have gotten together with the authorities of Va. Resources, and negotiated contracts on behalf of all the cities, and towns in the Commonwealth.

Mr. BeLer showed the Board samples of the contracts, along with the actual contract submitted from Va. Power and explained the scheduling system.

MOTION:

Supervisor Good moved to approve the County Administrator to execute the contract with Virginia Electric and Power Company, upon the review and approval of the County Attorney.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES:Elaine Mayberry, Allen Cubbage, Gerald Cubbage, Nora Belle Comer, and Robert Good.

NAYS:None

**Policy for Landfill:**

Mr. BeLer addressed the Board stating that after talking to staff, and Tellurian, there is apparently still some things that need to be worked out in regards to billing. Mr. BeLer stressed that he would recommend that the Board establish a Landfill Policy.

After discussion, the Board directed that staff draw up a draft landfill policy to bring back to the Board at a later date.

Supervisor Comer also asked that signs to designed and placed at all compactor sites, instructing that no barrels containing loose trash be permitted at these sites.

Mr. BeLer concluded in asking the Board to instruct him as to their wishes regarding continuing the letter that is distributed to citizens as they arrive at the landfill.

MOTION:

Supervisor Good moved that the Board approve the continuing of the letter being distributing at the landfill.

Supervisor Comer seconded. The motion was carried by a vote of 3-2.

AYES:Robert Good, Nora Belle Comer, and Elaine Mayberry.

NAYS:Allen Cubbage, and Gerald Cubbage.

Supervisors Allen and Gerald Cubbage felt that the letter should specify the amount and what type of trash a person would be charged for.

**Shenandoah Valley Water Authority:**

Mr. BeLer announced that there is a letter in the agenda packet that notes there will be a meeting held on September 27, 2001. Page County is included as a member with the three towns as associate members. Mr. Beler asked the Board if they would like to have a local official attend the meeting for greater knowledge of what is being done and the potential benefits in the future. It was noted by Supervisor Comer that the official would be going just for information and the county

would not be obligated to participate.

Supervisor Comer offered to attend and it was the consensus of the Board for her to attend.

**Commissions:**

Mr. BeLer addressed the list of Commissions that were available in the agenda packets. It was noted that this was an updated list of the Commissions that were expired or due for expiration. Mr. BeLer asked that the Board study the list, and get back to Donna Hoke if they could offer any assistance in the update.

**Page County Schools:**

Dr. Chappell addressed the Board bringing with him the August 2001 Page County Public School Newsletter, along with a calendar of events for the month of October. Issues addressed were the SOL scores, and the code of Student conduct and attendance.

**Appalachian Regional Commission:** ([\*attachment #1-resolution\*](#))

Mr. Kerr addressed the Board stating that the Northern Shenandoah Valley Regional Commission is considering a proposal requesting the addition of the 5-county region to the Appalachian Regional Commission area. Mr. Kerr briefly explained the proposal and asked that the Board consider approving the resolution supporting the addition of Northern Shenandoah Valley Region to the Appalachian Regional Commission.

**MOTION:**

Supervisor Comer moved to approve the resolution supporting the addition of Northern Shenandoah Valley Region to the Appalachian Regional Commission.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

AYES:Elaine Mayberry, Nora Belle Comer, Allen Cubbage, Gerald Cubbage, and Robert Good.

NAYS:None.

**Property Acquisition:**

Mr. Reed was not available for discussion on this issue. Mr. Smith addressed the Board, stating that title search for this property was still being researched, and asked that it be brought back to the Board at a later date.

**Va. Resources Application:**

Mr. BeLer addressed the Board giving a brief update on the gas extraction system, grass ground cover and Bond issue for the soil and erosion through Mr. Aleshire. Mr. BeLer noted that he has met with the Va. Resource and they showed concern in regards to the County having the revenue stream to support the debt service. To proceed on the application, Mr. BeLer asked that the Board give him the proper authority to utilize Robinson, Farmer, and Cox's Association on the revenue projections, and for the creation of an Enterprise fund for the two landfills.

**MOTION:**

Supervisor Mayberry moved to authorize the County Administrator to find out the drop dead date from the Va. Resources and use his judgment to start the auditors which is Robinson, Farmer, and Coxs Association, in working on the 1.6 million financing.

Supervisor Good seconded. The motion was carried by vote of 4-1.

AYES:Elaine Mayberry, Allen Cabbage, Nora Belle Comer, and Robert Good.

NAYS:Gerald Cabbage.

Supervisor Gerald Cabbage noted that he had voted nay, because he would like input from the Treasurer before deciding.

MOTION:

Supervisor Mayberry moved to authorize the County Administrator to make application to the Virginia Resources Authority for the purpose of, not to exceed, \$1.6 million, but could be less, financing of improvements at the Stanley Landfill: Further to authorize, as necessary, the services of the auditing firm Robinson, Farmer, Cox, Associates to assist the County in the revenue projects, creation of an Enterprise for funds for the Battle Creek and Stanley landfills, and such other matters as may be necessary, at a cost not to exceed \$7,500.

Supervisor Good seconded. The motion was carried by a vote of 4-1.

AYES:Allen Cabbage, Nora Belle Comer, Elaine Mayberry, and Robert Good.

NAYS:Gerald Cabbage.

**Public Hearing:** Rezoning request - (*Wayne Freeze*)

Chairman Cabbage opened the public hearing at 7:15 to anyone who wished to speak in favor or against the rezoning. Hearing none, Mr. Freeze was asked to address the Board to briefly explain what his plans were for the property should it be approved to rezone from agricultural to commercial. Mr. Freeze noted that he planned to start a flea market. It was also noted that a 10-acre tract is the minimum that can be rezoned.

The Chairman noted at this time that the request had received a unanimous approval from the Planning Commission at their recent meeting.

The Chairman closed the public hearing and opened the floor for discussion.

MOTION:

Supervisor Comer moved to approve the rezoning from agricultural to commercial for the property located on Route 340 owned by Mr. Wayne R. Freeze.

Supervisor Gerald Cabbage seconded. The motion was carried by a vote of 5-0.

AYES:Gerald Cabbage, Robert Good, Allen Cabbage, Elaine Mayberry, and Nora Belle Comer.

NAYS:None

### **Resolution to the Towns:**

Mr. BeLer addressed the Board stating that the Towns had requested a resolution be brought before the Board asking for the Towns of Luray, Shenandoah and Stanley to receive free trash disposal at the Battlecreek Landfill. Mr. BeLer noted that a resolution for recommendation was included in the agenda packets.

After further discussion, staff was directed to draft a letter requesting the towns to notify the county as to the amounts of commercial and residential trash their individual town generates. Upon response from the towns, the resolution could be returned to the Board for recommendation.

### **County Building Repair:**

Mr. Fox addressed the Board to give a brief update on the building repairs report from Lowell Baughn. Mr. Baughn would work on an hourly rate, plus fees for an Engineer if needed and the secretarial fee. Any consultants would be an additional fee. A primary fee of \$1,000, but not to exceed \$20,000. Mr. Fox noted that this would not include the asbestos investigation. Mr. Fox informed the Board that two companies are available for the asbestos investigation. One company is located in Lynchburg, Va. and would charge \$25.00 per hour. The other company is located out of Winchester, Va. and would charge \$350.00, and an additional \$15.00 per samples.

### **MOTION:**

Supervisor Comer moved to approve the services of Winchester Environmental Services for an asbestos investigation, at the rate of \$350.00 plus \$15.00 per samples.

Supervisor Gerald Cabbage seconded. The motion was carried by a vote of 5-0.

AYES:Allen Cabbage, Gerald Cabbage, Nora Belle Comer, Elaine Mayberry, and Robert Good.

NAYS:None.

### **Title & Classification of Employees:**

Mr. BeLer informed the Board that classification of employees is the next step in meeting the needs of the Fair Labor Standards Act. Included in the Board's agenda packet is material noting the current employee classification, and a list of the reclassification suggested by Mr. Steve Miner. Mr. BeLer also indicated that he currently acts as the supervisor of three custodial positions, and one temporary part-time position, as well as more than ten compactor site assistants. With the consideration of the adoption of the classification of positions, Mr. BeLer would recommend the creation of a supervisory position in this field.

### **MOTION:**

Supervisor Good moved to approve the titles and classification of employees, and to add

Economic Developer.

Supervisor Mayberry seconded. The motion was carried by a vote of 4-1.

AYES:Elaine Mayberry, Allen Cubbage, Nora Belle Comer, and Robert Good

NAYS:Gerald Cubbage

MOTION:

Supervisor Good moved to approve the reclassification of one custodial position from Custodian to Building and Grounds Supervisor B. Further to authorize the promotion of John Pyles from Custodian to this position with a six percent increase in salary as a result of the promotion, effective September 1, 2001.

Supervisor Mayberry seconded. The motion was carried by a vote of 4-0.

AYES: Elaine Mayberry, Robert Good, Nora Belle Comer.

NAYS:Gerald Cubbage, and Allen Cubbage

**Budget Transfers & Supplemental Appropriations:** ([attachment #2](#))

MOTION:

Supervisor Good moved to approve the interdepartmental budget transfers for the fiscal year 2002 totaling \$431,895.85 ,incorporating and attaching hereto the detailed request.

Supervisor Comer seconded. The motion was carried by a vote of 5-1.

AYES:Gerald Cubbage, Allen Cubbage, Robert Good, Nora Belle Comer, Elaine Mayberry.

NAYS:None

MOTION:

Supervisor Good moved to authorized the carryover of \$112,326.12 from fiscal Year 2001 to fiscal year 2002.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

AYES:Elaine Mayberry, Robert Good, Nora Belle Comer, Gerald Cubbage, and Allen Cubbage.

NAYS:None

MOTION:

Supervisor Mayberry moved to approve the budget and appropriated funds to the General Fund for the amount of \$93,933.57, incorporating and attaching hereto the detailed request.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES:Elaine Mayberry, Nora Belle Comer, Robert Good, Gerald Cubbage, Allen Cubbage

NAYS:None

**Closed session:** 5:55 p.m.

**MOTION:**

Supervisor Good moved the Page County Board of Supervisor enter into a closed meeting pursuant to the provisions of Section 2.1-344.1 of The Code of Virginia, 1950, as amended, for the purpose of consultation With legal counsel.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.  
AYES:Gerald Cubbage, Allen Cubbage, Elaine Mayberry, Robert Good, and Nora Belle Comer.  
NAYS:None

**Exit closed session:** 6:50 p.m.

**MOTION:**

Supervisor Good moved the closed meeting be adjourned and the Page County Board of Supervisors convene again in open session.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.  
AYES:Gerald Cubbage, Robert Good, Allen Cubbage, Nora Belle Comer, and Elaine Mayberry.  
NAYS:None.

**Certification of closed session:**

"To the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.1-344 of the code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting of September 25, 2001."

MOTION: Good SECOND: Mayberry

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Nora Belle Comer	X			
Elaine Mayberry	X			
Gerald M. Cubbage	X			
Allen J. Cubbage	X			
Robert Good	X			

**Approval of minutes:**

**MOTION:**

Supervisor Comer moved the minutes from August 14, 2001, and July 10, 2001 be approved.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES:Elaine Mayberry, Robert Good, Allen Cubbage, Gerald Cubbage, and Nora Belle Comer.

NAYS:None

### **Redistricting:**

Mr. BeLer noted that information pertaining to the redistricting was not available at this time. It was asked that this information be brought back at the October meeting.

### **Reed and Reed contract:**

Mr. BeLer noted that there was a letter attached to the agenda packet material from the Treasurer explaining the terms of the contract.

#### **MOTION:**

Supervisor Comer moved to approve the extension of the Reed & Reed contract for a one year period.

Supervisor Mayberry seconded. The motion was carried by a vote of 5-0.

AYES:Elaine Mayberry, Robert Good, Allen Cubbage, Gerald Cubbage, and Nora Belle Comer.

NAYS:None

### **Public comments:**

*Mary Whitehead-*

Mrs. Whitehead addressed the Board commenting on the office employees and the salaries, asking why Mr. BeLer was hired as a financial wizard, but yet the County was still putting out too much money for consultants.

*Natalie Zuckerman-*

Mrs. Zuckerman spoke briefly before the Board about the 1992 Tellurian Contract.

*Barbara Coulter-*

Mrs. Coulter spoke of the Tellurian contract and presented a petition apposed to the contract with 3,800 signatures.

*Lee McWhorter-*



Mr. McWhorter spoke of the mess that the County is in, mentioning the lack of soap in the mens' room and especially the parking situation.

*Alan Eldridge-*

Mr. Eldridge spoke of the condition of the county building and concluded in asking the Board to limit their closed sessions to the end of the meetings, so that citizens can go home.

*JoAnn Smeltzer-*

Ms. Smeltzer addressed the board suggesting that they do an independent study on landfill issues by someone who is not friends with Mr. BeLer or anyone else on the Board. Ms. Smeltzer would also like to see something in writing that says gas extraction is part of the post closure.

*Chet Taylor-*

Mr. Taylor advised the Board that he had been asked to represent citizens groups to bring legal action to the Board, should they take action to execute the new contract, which they feel does not go by the goals of the Comprehensive Plan.

*Ted Kelly-*

Mr. Kelly asked that the Board not forget that the racetrack is still a issue facing the County of Page. It is his hopes that the racetrack does not get shadowed by the landfill problems. In closing Mr. Kelly said it is still a issue that needs addressing.

**Supervisor's time:**

Supervisor Gerald Cubbage asked that the Board consider returning to the Planning Commission for an amendment to the Comprehensive Plan before executing a new contract with Tellurian.

**MOTION:**

Supervisor Gerald M. Cubbage moved that Therefore, I Gerald M. Cubbage, Supervisor, District 4, move that this Board follow the law of Virginia, and provisions of the Page County Comprehensive Plan: 2010, and direct the Planning Commission to develop the specific plan for the landfill which is required by the Comprehensive Plan itself, and to prepare an amendment to the Comprehensive Plan which is consistent with the specific plan for the landfill, following the requirements of the law as to published notice, a public hearing, consideration of the desired amendment including surveys and studies of this public facility, and, there after to report to this Board the specific plan recommended for the landfill and the Planning Commission's approval, amendment or disapproval of the desired amendment of the Comprehensive Plan for further action by this Board as required by the Law of Virginia.

The motion did not receive a second. The motion was denied by a vote of 4-1.

AYES:Gerald Cubbage

NAYS:Robert Good, Elaine Mayberry, Allen Cubbage, Nora Belle Comer.

**MOTION:**

Supervisor Gerald Cabbage moved to terminate the ESC contract.

The motion did not receive a second. The motion was denied by a vote of 4-1.

AYES:Gerald Cabbage

NAYS:Elaine Mayberry, Allen Cabbage, Robert Good, Nora Belle Comer.

Reappointment of EMS Coordinator:

MOTION:

Supervisor Gerald Cabbage moved to reappoint Christina Mauck to The EMS commission with a five year term.

Supervisor Comer seconded. The motion was carried by a vote of 5-0.

AYES:Allen Cabbage, Gerald Cabbage, Nora Belle Comer, Robert Good, and Elaine Mayberry.

NAYS:None

**NACO Resolution:**

Mr. BeLer read a resolution pertaining to the County supporting the nation against the terrorists. Mr. BeLer asked that the Board consider approving this resolution.

MOTION:

Supervisor Mayberry moved to approve the resolution supporting the President of the United States to fight against the terrorist acts now being administered against the United States of America.

Supervisor Good seconded. The motion was carried by a vote of 5-0.

AYES:Elaine Mayberry, Robert Good, Allen Cabbage, Gerald Cabbage, and Nora Belle Comer.

NAYS:None.

Recess: 9:30 a.m. October 4, 2001.

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CHAIR COUNTY ADMINISTRATOR

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